

REMARKS

In the office action, claims 3, 4 and 15 were objected to. Claim three was objected to because it is an exact duplicate of claim 2. Regarding claim 4, the word “generator” was misspelled. In claim 15, lines 7-9 were identical to lines 10-12.

Claims 1 -- 4 and 8 -- 19 were rejected under 35 U.S.C. §102 (e) as being anticipated by Weinstein et al., US publication 2004/0246902.

Claims 5-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Weinstein and Yianilos, i.e., U.S. publication 2002/00229214.

For purposes of making this record clear, the applicants contend that the subject matter *claimed* in the pending application is distinctly different than the subject matter *disclosed* in Weinstein.

As for the claim objections, claim 3 is canceled. Claim 4 is amended to correct the spelling of the word --generator--. Claim 15 is amended to delete lines 10 -- 12.

In addition to amending claims to correct matters of form, the specification is amended in paragraph [0044] to add a reference numeral used to identify with particularity, the “comparator” that is discussed in paragraph [0044]. Paragraph [0057] is amended to correct a typographical error.

Referring now to the rejections made under 35 USC §102(e), the examiner contends that all of the limitations of claim 1 can be found in the Weinstein reference, including the limitation of claim 1 that recites a hash generator that is adapted to receive representations of at least the mobile-copy of the at least the first database. The applicant respectfully disagrees. The rejection of the claims under §102 because of Weinstein was improper. The rejection of claims 5-7 on the combination of Weinstein was also improper.

The Weinstein shows that it was filed on March 11, 2004, which filing date is *after* the filing date of the instant application, i.e., February 10, 2004. Although the first page of the Weinstein reference purports to show two provisional applications from which a filing date priority appears to be claimed (s/n 60/475,177 and s/n 60,550,316), an inspection of the two provisional applications, both of which are available on the public PAIR web site, shows that

neither one of the allegedly “provisional” applications conform to the requirements of 35 U.S.C. §111. That statutory section requires a provisional application to conform to the requirements of 35 U.S.C. §112, ¶2 regarding the scope of the disclosure.

Regarding the first provisional application, that document consists of four pages. None of the disclosure in that “provisional” application conforms to 35 U.S.C. §112 ¶2.

As for the second provisional application, it was filed on March 8, 2005, which also was *after* the filing date of the instant application. The second provisional is therefore of no value as prior art.

Since the Weinstein publication number 2004/0246902 cannot be relied on as prior art under any statutory provision, the rejection of the claims under Weinstein was improper. Claims 1, 2 and 4 - - 20 are in condition for allowance.

Further, review of Weinstein indicates that the reference fails to show the claimed invention, recited as now-presented.

The Examiner contends that all of the limitations of claim 1 can be found in the Weinstein reference, including the limitations of claim 1 that recites a hash generator that is adapted to receive representations of at least the mobile-copy of the at least the first database. The applicant respectfully disagrees.

Referring to the Weinstein reference, it discloses and claims a method of synchronizing routing data between nodes in a network. As stated in paragraph [0010] of Weinstein, the disclosed method uses a "digest strategy in which routing database entries may be broken down into compartments, and a database digest, that may include a hash or checksum, may be computed over each of the compartments." In paragraph [0039], Weinstein states that the digests are determined by hashing fields or portions of "multiple route advertisements stored in database 300." Thus, Weinstein does **not** determine a hash code for an entire database as the applicants' claims require. Weinstein teaches the computation of a hash code for only a portion a database.

Weinstein's paragraphs [0049] through [0056] further make it clear that hash codes computed from “digests” are not hash codes of, or for, a complete database. In paragraph [0059] Weinstein states that the disclosed method can be applied "to any type of distributed database whose contents had to be kept synchronized, so long as [the database's] contents are amenable to

subdivision into compartments as previously described in the contents of each compartment are amenable to summarization by means of a ‘database digest’.” (Emphasis added.)

Paraphrased, applicant’s claim 1 recites the computation of a hash value from a complete database, not a fractional portion or a “digest” thereof. Independent claim 15 uses a definite article to clearly claim that the hash value being computed in the claimed method is a hash value of **“information representative of the mobile-copy of the first database.”** Thus, Weinstein does not anticipate any of the applicants’ independent claims nor does Weinstein anticipate any of the dependent claims.

Notwithstanding the differences between the applicants’ claims and Weinstein, in order to further distinguish the applicants’ claims from Weinstein and to expedite issuance, claim 1 has been amended as set forth above to recite that the computed hash value is of a substantially complete copy of a database. Stated alternatively, since Weinstein teaches computation of a hash value from only a fractional part of a database, the requirement of amended claim 1 that the hash value be of a substantially complete database further distinguishes the applicants’ invention from Weinstein making all of the pending claims allowable under 35 U.S.C. §102. Claim 15 as filed avoids Weinstein by reciting that the hash value of claim 15 represents the contents of **“the first database”** and not some “digest” or fractional portion thereof.

Support for the amendment to claim 1 is found in the specification on page 10, beginning at line 28 whereat the hash generator is described as being coupled to memory element 62 where the databases 38, 42, and 44 are maintained. The specification clearly states on those pages that the claimed hash generator can “retrieve contents from one or more of the databases maintained at the memory element 62 to perform hash functions to place the accessed data in short-digest form.” FIG. 2 also supports the amendment to claim 1. No new matter has been added.

In addition to not anticipating the applicants’ claims, Weinstein cannot be combined with any other reference to make the applicants’ claims obvious because Weinstein actually teaches away from the applicants’ invention. In paragraph [0040] Weinstein states that:

[0040] Computation of a single database digest across each route advertisement database 300 to be compared would provide a simple indication of whether or not the two databases were already equal, but nevertheless would not be particularly useful. Due to time delays in the propagation of route

advertisements, it would be extra the comment for the routing databases into routers forming a new adjacent seat to be almost equal, but still differ in a handful of route advertisements. **With only a single hash sum, there may be no quick way to identify which advertisements are out of synchronization."**

(Emphasis added.)

Thus, Weinstein teaches that the computation of a hash value over an entire database "would not be... useful." Weinstein further disparages the computation of a single hash value as being too time consuming and making its determination as such, unreliable.

For any of the reasons set forth above, claims 1, 2 and 4 -- 20 are in condition for allowance. As for the dependent claims rejected under 35 U.S.C. §103(a), it is axiomatic that claims dependent from an allowable claim are themselves allowable. Claims 5-7 are therefore also allowable under 35 U.S.C. §103(a). The applicants are entitled to reconsideration and allowance of the claims as amended above.

Respectfully submitted,

/ robert h. kelly /

Robert Kelly, Reg. No. 33,922

SCHEEF & STONE, L.L.P.
5956 Sherry Lane, Suite 1400
Dallas, Texas 75225
Telephone: (214) 706-4201
Fax: (214) 706-4242
robert.kelly@scheefandstone.com